



AMENDED A G E N D A
OCONEE COUNTY COUNCIL SPECIAL MEETING
Tuesday, April 13, 2010
6:00 PM
Council Chambers
Oconee County Administrative Offices
415 South Pine Street, Walhalla, SC

1. Call to Order
2. Public Comment Session *(Limited to forty (40) minutes, four (4) minutes per person.)*
Comments MUST be related to a specific agenda item slated for action at this meeting
3. Extended Public Comment Session *(Limited to 2 citizens per meeting, prior scheduling required with Clerk to Council, five (5) minutes per person. Comments not limited to specific agenda item)*
 - Proposed Sprinkler Legislation / Mr. Tom Markovich
 - High Pointe-Pointe West / Mr. Neal Workman
4. Meeting Recess *[Meeting will Recess no later than 6:50 p.m.]*

5. Meeting Reconvenes *[Meeting will Reconvene at 7:00 p.m.]*
6. Moment of Silence
7. Pledge of Allegiance to the Flag of the United States of America
8. Approval of Minutes:
 - March 16, 2010: Regular Council Meeting
 - March 22, 2010: Special Council Meeting
 - March 30, 2010: Special Council Meeting
 - April 6, 2010: Special Council Meeting
 - April 7, 2010: Special Council Meeting
 - April 8, 2010: Special Council Meeting
 - April 9, 2010: Special Council Meeting
 - April 10, 2010: Special Council Meeting
9. Consideration of the Following Proclamations:
[1] First & Final Reading of [Proclamation P2010-01](#) "NATIONAL LIBRARY WEEK 2010 PROCLAMATION"
10. Public Hearings regarding the Following Ordinances:
Ordinance 2010-04 "AN ORDINANCE TO AMEND THE AGREEMENT AUTHORIZED BY ORDINANCES 2006-27 AND 2008-17 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE COUNTY, SOUTH CAROLINA, AND THE JOINT INDUSTRIAL PARK along with the Second Amendment of Agreement for Development for Joint Industrial Park."
Removed from Consideration at this meeting.
11. Consideration of the Following Ordinances:
[1] Third & Final Reading of **Ordinance 2010-04** "AN ORDINANCE TO AMEND THE AGREEMENT AUTHORIZED BY ORDINANCES 2006-27 AND 2008-17 RELATING TO THE INDUSTRIAL/BUSINESS PARK OF OCONEE COUNTY, SOUTH CAROLINA, AND THE JOINT INDUSTRIAL PARK along with the Second Amendment of Agreement for Development for Joint Industrial Park."
Removed from Consideration at this meeting.
[2] a. Motion to Amend Ordinance 2010-02 for Second Reading
b. Second Reading as amended of [Ordinance 2010-02](#) "AN ORDINANCE TO ESTABLISH CENTRALIZED PROCUREMENT REGULATIONS FOR OCONEE COUNTY, REPLACING ORDINANCE 2001-15 AND AMENDMENT ORDINANCE 2002-12."
The original procurement ordinance 1985-02 was updated by ordinance 2001-15 on December 4, 2001. Since that time there has only been one amendment ordinance 2002-12, which included only two changes.
It is the staff's recommendation that Council take second reading on Ordinance 2010-02.

11. [3] a. Motion to Amend Ordinance 2010-05 for Second Reading
b. Second Reading as amended of [Ordinance 2010-05](#) “AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SPECIAL SOURCE REVENUE BONDS OF OCONEE COUNTY, SOUTH CAROLINA; PRESCRIBING THE FORM OF BONDS; LIMITING THE PAYMENT OF THE BONDS SOLELY TO THE PLEDGED REVENUES RECEIVED AND RETAINED BY THE COUNTY FROM THE PAYMENT OF FEES IN LIEU OF TAXES FROM CERTAIN JOINT COUNTY INDUSTRIAL AND BUSINESS PARKS AND PLEDGING THE PLEDGED REVENUES TO SUCH PAYMENT; CREATING CERTAIN FUNDS AND PROVIDING FOR PAYMENTS INTO SUCH FUNDS; AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING”
- [4] a. Motion to Amend Ordinance 2010-06 for Second Reading
b. Second Reading as amended Second Reading of [Ordinance 2010-06](#) “A FIRST SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING \$3,500,000 SPECIAL SOURCE REVENUE BOND, SERIES 2010, OF OCONEE COUNTY, SOUTH CAROLINA; PRESCRIBING THE FORM AND DETAILS OF SUCH BOND; AUTHORIZING THE CHAIRMAN OR VICE-CHAIRMAN AND THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.”
- [5] a. Motion to Amend Ordinance 2010-07 for Second Reading
b. Second Reading as amended Second Reading of [Ordinance 2010-07](#) AN ORDINANCE TO DEVELOP A JOINT COUNTY BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY, SOUTH CAROLINA (“PICKENS COUNTY”), SUCH BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY, SOUTH CAROLINA (“OCONEE COUNTY”) AND ESTABLISHED PURSUANT TO ARTICLE VIII, SECTION 13 OF THE SOUTH CAROLINA CONSTITUTION, AND SOUTH CAROLINA CODE OF LAWS OF 1976 §4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY PROVIDING FOR THE PAYMENT OF EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES-IN-LIEU OF *AD VALOREM* TAXES TO OCONEE COUNTY, PICKENS COUNTY AND RELEVANT TAXING ENTITIES; TO PROVIDE THAT JOBS TAX CREDITS ALLOWED BY LAW BE PROVIDED FOR BUSINESSES LOCATING IN SAID PARK; TO PERMIT A USER FEE-IN-LIEU OF *AD VALOREM* TAXATION WITHIN SAID PARK; AND OTHER MATTERS RELATED THERETO” & [Agreement for Development of Joint Industrial Park](#).
- [6] Second Reading of [Ordinance 2010-08](#) AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010, OF OCONEE COUNTY, SOUTH CAROLINA, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$6,840,000 FOR THE PURPOSE OF REFUNDING CERTAIN OF THE COUNTY’S GENERAL OBLIGATION BONDS; FIXING THE FORM AND CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE CHAIRMAN OF COUNTY COUNCIL AND THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

Interest rates are at extremely low levels. The County has an opportunity to issue refunding bonds to refinance the current outstanding general obligation debt at a lower interest rate.

The amount of the savings will depend upon the interest rate on the date of sale. We anticipate a savings of at least \$100,000 over the remaining term of the bonds. If the interest rates offered on the date of sale are such that it is not to the County’s benefit to issue the bonds, the County will not issue the bonds. The legal and other professional services related to bond issuance are on a contingency basis and the county will not be charged unless a bond is issued.

Public Hearing for bonds is scheduled for April 20, 2010.

It is the staff’s recommendation that Council take second reading of Ordinance 2010-08.

11. [7] First Reading [in title only] of **Ordinance 2010-09** AN ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA, TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF AND THE ENTERING INTO DEVELOPMENT AGREEMENTS

Title 6 Chapter 31 of the SC Code of Laws (the Local Governmental Development Agreement Act) authorizes counties to enter into development agreements with developers, provided an appropriate ordinance establishing the procedures and requirements for agreements is first adopted by County Council. The Keowee River Preservation Group, LLC, has requested Council consider entering into such an agreement for the Keowee River Development, a planned development of approximately 774 acres in Oconee County, which is expected to require up to 20 years to complete. Ordinance 2010-09 would put in place the required elements for Oconee County, should it desire, to enter into this and future development agreements. If adopted, Ordinance 2010-09 would only enable Oconee County to enter into development agreements- it would not constitute an approval of any particular agreement.

It is the recommendation of staff that Council take first reading in title only and refer this matter to the Planning Commission for review.

[8] First Reading [in title only] of **Ordinance 2010-10** “AN ORDINANCE OF OCONEE COUNTY, SOUTH CAROLINA APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DEVELOPMENT AGREEMENT BY AND BETWEEN OCONEE COUNTY AND KEOWEE RIVER PRESERVATION GROUP, LLC, WHEREBY CERTAIN PROPERTY WILL BE SUBJECT TO CERTAIN DEVELOPMENT STANDARDS; AND OTHER MATTERS RELATED THERETO

Keowee River Preservation Group, LLC, has requested Council consider entering into a development agreement that would vest the developer under a set of standards governing the development of the proposed Keowee River project, a 774 acre mixed-use development in Oconee County, for the life of the agreement. This would provide the developer greater certainty in designing the various phases of the development, which is projected to require up to 20 years. If approved, the agreement would negate the need to obtain a series of variances related to road design, as well as impose design standards on a number of elements of the project, some of which are currently not regulated by Oconee County. Staff have reviewed the proposed standards, and have identified no obvious safety issues resulting from the requested variances. It should be noted that the agreement would not waive any fire or building codes, and all plans would be reviewed for strict compliance with the standards established.

Two public hearings are required for the agreement; one by Council, and one by the Planning Commission.

It is the recommendation of staff that Council take first reading in title only and refer this matter to the Planning Commission for review and the required public hearing.

[9] First Reading [in title only] of **Ordinance 2010-15** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” *[North Cane Creek]*

The proposed Ordinance 2010-15 stems from a citizen-initiated rezoning request submitted by Mr. Jim Codner. It should be noted that the area delineated in this request constitutes the first phase of the overall rezoning proposal, and contains slightly less than 1/3 of the total parcels to be considered (the balance of the proposal is planned to be presented in 2 additional requests in the near future). The request includes 253 parcels located north of Cane Creek, near Ebenezer Road, and was accompanied by the signatures of approximately 68% of the parcel owners. As submitted, 250 parcels would be rezoned into the Lake Residential District (LRD), and 3 parcels would be rezoned into the Residential District (RD). Thirteen parcels identified in Ordinance 2010-15 are also proposed for rezoning as part of the request to be considered in Ordinance 2010-16. Staff will present recommendations to address this and various other concerns at time of Planning Commission review.

It is the staff's recommendation that Council take First Reading (In Title Only) of Ordinance 2010-15, and refer the matter to the Planning Commission for the required review.

[10] First Reading [in title only] of **Ordinance 2010-16** “AN ORDINANCE TO AMEND THE OCONEE COUNTY ZONING ENABLING ORDINANCE, ORDINANCE 2007-18, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, AS TO REZONE A SERIES OF PARCELS SPECIFIED HEREIN, AND TO RATIFY AND AFFIRM ALL OTHER PROVISIONS OF ORDINANCE 2007-18 NOT AMENDED OR MODIFIED HEREBY; AND OTHER MATTERS RELATING THERETO” *[North Fairview]*

The proposed Ordinance 2010-16 stems from a citizen-initiated rezoning request submitted by Ms. Jean Jennings. The request consists of 56 parcels in the Control Free District, located near Ebenezer Road in the Fairview Community, near Lake Keowee, and proposes the rezoning of 53 parcels into the Traditional Rural District (TRD), and 3 parcels into the Residential District (RD). Petitions containing the signatures of approximately 83% of the owners of the parcels in the request area were submitted in support of the proposal. Thirteen parcels identified in Ordinance 2010-16 are also proposed for rezoning as part of the request to be considered in Ordinance 2010-15. Staff will present recommendations to address this and various other concerns at time of Planning Commission review.

Take First Reading (In Title Only) of Ordinance 2010-15, and refer the matter to the Planning Commission for the required review.

12. Discussion & Possible Action Items

[5 min. per Action Item]

[1] Road Dept / \$124,699 / Professional Design Services: Cobb Bridge / Davis & Floyd, Inc

The bridge is a single lane bridge on a rural two lane road. The bridge decking has to be repaired on a regular basis. The bridge is weight restricted and therefore emergency response is hindered in this area. A recent traffic study showed that more than 200 vehicles cross this bridge every day. The proposed replacement is to a one span bridge using Weathering Steel Girder, 160 feet long and 31 feet wide, as was discussed during the March 17, 2010 Transportation Committee meeting. See [Attachment #1](#).

Under the Request for Qualifications #06-17, Davis & Floyd, Inc., was accepted as qualified to provide Transportation Planning, Stormwater Management, Roadway and Bridge Design, and General Engineering Services. County Council approved a contract and fee schedule February 20, 2007 and this contract is in its third renewal period.

The scope of services provided by Davis & Floyd, Inc. shall consist of bridge design, retaining wall design, construction plans and specifications, high water elevation determination, Operation and Maintenance Manual, construction cost estimate, anticipated construction schedule, obtaining applicable permits, preparation of bid documents, evaluation of bids and recommendation of lowest responsible bidder. [Attachment #2](#) more clearly outlines the scope of work and related fees. Construction Management and Inspection of Construction are not included in the current scope of work.

It is the staff's recommendation that Council approve Davis & Floyd, Inc., to perform professional design services to design and bid the bridge replacement project, as defined by the Agreement for Professional Services, for a fee not to exceed \$124,699.

[2] Quick Job Development Center / Change Order #2 / \$38,362.00 / grading and stone

Oconee County received a Community Development Block Grant (CDBG) in the amount of \$986,364 for the purpose of building a workforce training facility in Oconee County. Construction is complete on the building located at the Hamilton Career Center and classes are scheduled to begin on April 5, 2010. The original bid for construction was approved by County Council on July 7, 2009, in the amount of \$504,504.00, with a 20% additional amount for anticipated change orders, bringing the approved total to \$605,404.00. Change Order #1 in the amount of \$98,467.09 covered additional items that were added to enhance the building efficiency and security. This brought the job total to \$602,971.09 which did not exceed the approved amount. This second Change Order was necessary in order to complete the paving of the parking lot. Due to the large amount of rain it was necessary for Joy Construction to remove 80 loads of wet dirt and replace it with 56 loads of gravel/stone in order to complete the paving on time. The amount of this second change order exceeded the originally approved 20% and now requires Council approval. It will bring the total amount of this project to \$641,333.09, well under the total grant amount of \$986,364.

Funding for this project is provided by a federally funded Community Development Block Grant (CDBG) from the SC Department of Commerce in the amount of \$986,364 and matching funds from Tri County Technical College in the amount of \$246,036. No County funds will be utilized for this project.

It is the staff's recommendation that Council approve Change Order #2 for Joy Construction, Seneca, SC., in the amount of \$38,362 for grading and stone required for the parking lot of the Tri County Tech Quick Job Development Center.

[3] Bid #09-19 / Public Works / \$32,395.36 / Three Phase Natural Gas Generator

The Public Works Department functions as an "Essential Facility." Public Works activities are required when other agencies and departments are closed due to inclement weather. The Public Works Facility must be capable of operating during emergencies and/or during power outages. This generator will provide power to operate the required systems needed for office operation such as, but not limited to the phone system, computer network system and radio system during power outages. This generator will also supply power to run air compressors, power tools and any other electrical equipment required for operator maintenance during power outages.

On March 25, 2010, formal sealed bids were opened for a 70Kw Liquid Cooled Natural Gas Engine stand-by Generator with three phase automatic transfer switch and extreme cold weather kit which would automatically start during power outages at the Public Works Facility. Bid submittals included equipment, installation and set-up to provide a fully functioning three phase natural gas generator. Eight companies were originally notified of this bid opportunity. Four companies submitted bids, with Essential Power, LLC, of Highlands, NC submitting the lowest bid of \$32,395.36. Award Bid #09-19, Three Phase Natural Gas Generator for Oconee County Public Works Facility to Essential Power, LLC, Highlands, NC in the amount of \$32,395.36.

It is the staff's recommendation that Council award Bid #09-19, Three Phase Natural Gas Generator for Oconee County Public Works Facility to Essential Power, LLC, Highlands, NC in the amount of \$32,395.36.

[4] Oconee County Medical Plan Renewal & Nurse Practitioner Program / \$4,112,895

Oconee County operates a self-funded medical plan for employees and retirees. The Plan year runs from May 1st thru April 30th. The renewal is scheduled for May 1 in order to have the medical plan funding estimate before the budget process is completed. Renewals are addressed at this time of year so that claims information through February can be used to estimate the renewal costs of the Stop-Loss portion of the medical plan. The Stop-Loss is in effect insurance the County purchases to reimburse the County for any individual's claims that exceed a \$75,000 dollar amount during the year. Each year, quotes are obtained from several insurance companies to ensure that the County receives the best available price for this coverage which requires up to date information on specific claims. Estimates of claims for the year are based on prior experience and plan design, including wellness initiatives.

The largest cost of the Health Benefit is for the Medical Claims, which vary significantly from year to year. The current plan year from May 1, 2009 to February 28, 2010 has seen a decrease in the amount of claims. We believe this is due to normal fluctuations in claims, the effect of wellness measures over the past several years and the economy which has resulted in people delaying or eliminating medical care. Please see attached sheet for a comparison of annual costs.

The new health care legislation will have an impact on our costs in the future; however we have been unable to quantify that effect at this time. The regulations are still being written, but we believe that the requirement to provide coverage for dependents under the age of 26 will not take effect until the plan year beginning May 1, 2011.

The County would like to implement a Nurse Practitioner program. This would provide a valuable benefit to the County employees while reducing medical claims and time away from the job for office visits. These programs have been proven to be a cost effective means of reducing expense and promoting a culture of wellness. The cost of this program (\$27,000) is included in the estimated cost for 2010-2011. Please see the attached information on the proposed program.

Eligibility for county health care benefits for retirees does not end when the retiree becomes eligible for Medicare. This significantly lengthens the time the County is responsible for paying health benefits for retirees. Medicare becomes primary, but the county continues to maintain the retiree as secondary coverage. In order to help manage the retiree health cost, we believe that we should change this policy for employees hired after July 1, 2010 so that County retiree health care ends when the retiree is eligible for Medicare.

The cost to the County for the 2010-2011 plan year is estimated to be \$4,112,895. This is decrease of \$345,204 or 7.7% from the amount budgeted for the 2009-2010 plan year. The financial impact of the change to the plan for retiree coverage will be far in the future, but will eventually result in a decrease in the retiree health care costs.

It is the staff's recommendation that Council approve [1] the renewal for 2010/2009 plan year with our current carriers with no change to current level of benefits or premiums, [2] a Nurse Practitioner program, and [3] authorize the administrator to execute the Nurse Practitioner Service agreement.

[5] City of Seneca Request / \$48,321

The Assessed Value of property in the Seneca Rural District 7 decreased approximately \$4.8 million dollars from last year. The calculated payment due under the fire contract is less than was budgeted last spring. The County has researched this decrease in detail and believes the decrease is related to industrial closings, large increases in other fire districts and correction of the Seneca Rural fire district boundary. The largest factor in the decrease of assessed value is related to the correction of the fire district boundary for the Seneca Rural Fire district. In 2007 the County incorrectly entered some fire district boundaries into the property records. These boundaries were corrected in 2009, but not until the fall of the year after the budget was completed. For the 2009-2010 budget and the 2008-2009 payment, the QS1 system estimates were used, as the values were not available from the Manatron system at that time. These calculations were based on incorrect assessed value within the fire district.

The City of Seneca budgeted revenue of \$503,000 for the 2009-2010 fiscal year based on estimates provided by the County. The unexpected decrease in assessed value has reduced the payment under the terms of the contract. Seneca has requested that the County fund the difference of the budgeted payment and the actual payment that was made based on the terms of the contract.

It is the staff's recommendation to Council that due to the critical nature of the services provided and the error on the County's part, staff recommends payment of an additional \$48,321.46 to the City of Seneca.

13. Board & Commission Appointments *[None Scheduled for this meeting]*
14. Commission / Board Reports to Council [ten minute maximum] *[None Scheduled for this meeting]*
[ATAX Committee is scheduled to report at the April 20, 2010 meeting]
15. Council Committee Reports
 - Transportation Committee / Mr. Thrift
 - Budget, Finance & Administration / Mr. Dexter
16. Administrator Report
17. Old Business
18. New Business
19. Adjourn

[This agenda is not inclusive of all issues which Council may bring up for discussion at this meeting.]

Oconee County Council & Committee meeting schedules and agendas are posted at the Oconee County Administration Building and are available on the County Council Website

www.oconeesc.com/council.html

[All upcoming meetings will be held in Council Chambers unless otherwise noted]